IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR.

S.B.CIVIL WRIT PETITION NO.3961/2004.

Bajrang Lal & ors. VS. State & ors.

DATE OF ORDER : 19.07.2005.

HON'BLE MR. R.P. VYAS, J.

Mr.Hemant Dutt for the petitioner(s).
Ms. V. Bora, Asstt. Govt. Advocate.

The instant petition has been filed by the petitioners seeking a direction to the respondents to grant regular Pay Scale (Rs.3200-4900) for the post of Gram Sewak cum Group Secretary to the petitioners from the date of initial appointment, with all consequential benefits.

Brief facts giving rise to the instant petition are as follows:

Pursuant to the Advertisement dated 03.03.1999 (Annexure-1) for appointment to the post of Gram Sewak cum Secretary, the petitioners applied for the said post and were declared successful in the written examination, which was held by the District Establishment Committee.

The petitioners were appointed on the said post on

consolidated salary of Rs.1200 per month on probation for a period of two years. The petitioners, after completing their probation period successfully, were made regular in the pay scale of Rs.3200-4900.

Heard learned counsel for the parties.

The only grievance raised by the petitioners in the instant petition is that the petitioners have been granted regular Pay Scale (Rs.3200-4900) for the post of Gram Sewak cum Secretary after completion of period of probation from the date of regularisation, instead of initial appointment. Thus, the action of the respondents for not granting the regular pay scale to the petitioners from the date of initial appointment, is per se illegal and same is violative of Article 14 of the Constitution of India.

In support of the arguments, learned counsel for the petitioners has placed reliance on the judgment of this Court rendered in Prashant Vohra & Another Vs. State of Rajasthan and others reported in 2005(1) WLC -264 and submits that the present writ petition is squarely covered by the said decision.

Controverting the submissions made by the learned

counsel for the petitioners, it is submitted by the learned counsel for the respondents that there was a specific condition in the appointment order of the petitioners that their services will be regularised after they complete the probation period satisfactorily.

After successful completion of the period of probation, the services of the petitioners have been regularised and they have rightly been granted regular pay scale from the date their regularisation.

Thus, the action of the respondents in granting regular pay scale from the date of regularisation, is perfectly in accordance with law and same does not require any interference by this Court. However, it is not controverted by the learned Dy. Government Advocate that the matter in hand is squarely covered by the decision rendered in Prashan Vohra's case (supra).

I have heard the rival contentions advanced by both the learned counsel for the parties and gone through the entire record of the case as well as the judgment of this Court rendered in Prashant Vohra's case (supra).

Learned counsel for the petitioners fairly stated that

the petitioners are not insisting for payment of difference between the salary paid to them on consolidated basis and salary based on pay scale of Rs.3200-85-4900 from the date of their initial appointment to the date of confirmation. But, they are claiming notional benefit of the pay scale of Rs.3200-85-4900 from the date of initial appointment till the date of regularisation/ confirmation. The submission is a fair one and needs to be accepted since they were deprived by the regular scale of pay even though they had succeeded in the examination held for selection of candidates for the aforesaid post.

Learned Assistant Government Advocate agrees to the submission of the learned counsel for the petitioner that the instant petition may be decided in terms of the order passed in D.B. Civil Special Appeal (Writ) No.119/2004 Prashant Vohra & Another Vs. State of Rajasthan & Ors.

Accordingly, the writ petition filed by the petitioners is allowed and it is directed that the petitioners shall be given notional benefit of the pay scale of Rs.3200-85-4900 from the date of their initial appointment till the date of regularisation/ confirmation. Thereafter, they shall be given actual benefit of the regular pay scale and their

salary shall be fixed afresh within a period of two months. It is also clarified that neither expressly nor by implication, the petitioners be entitled to secure actual payment of salary on the basis of pay scale of Rs.3200-85-4900 from the date of initial appointment till the date of confirmation. It is only from the date of confirmation that the petitioners will be entitled to limited relief as indicated above.

(R.P. VYAS)J.

Rm/